

Appl. No.: 09/708,898
Amdt. dated February 3, 2005
Reply to Office Action of 10/14/2004

II. Remarks In Response to the Office Action

A. General Remarks

Claims 1-24 were pending in the application prior to this reply. New claims 49-64 have been added. Therefore, claims 1-24 and 49-64 are pending in the application.

B. Claim Rejections - 35 USC § 112, Second Paragraph

Claims 8 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, because they recite "virtual multipoint control unit" without proper antecedent basis.

Claims 8 and 9 have been amended to address the Examiner's rejection by replacing "virtual multipoint control unit" with --central controller--. Given these amendments, Applicant respectfully request withdraw of the rejection of claims 8 and 9 under 35 U.S.C. § 112.

C. Claim Rejections - 35 USC § 103

Claims 1, 2, 6-8, and 10-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,006,253 to Kumar et al. ("Kumar") in view of US 5,563,882 to Bruno et al. ("Bruno").

Applicant respectfully traverses the Examiner's conclusion that Kumar in view of Bruno renders the listed claims obvious in so far as the combination of these references does not teach or suggest all the limitations in independent claims 1 and 13, as amended.

Amended claim 1 recites that "responsive to the comparing of capability factors, *the central controller directing a communicative interconnection between the at least two multimedia terminals via at least two of the plurality of multipoint control units.*"

Amended claim 13 recites "a virtual multipoint control unit communicatively interconnected to the plurality of multipoint control units for *interconnecting the plurality of multimedia terminals in the multimedia communication via at least two of the plurality of multipoint control units.*"

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Kumar fails to disclose a central controller or virtual multipoint control unit interconnecting multimedia terminals in a multimedia communication via at least two MCUs. Rather, Kumar discloses a single MCU (124 in Fig. 1; 220 in Fig. 2A; and 220 in Fig. 2B) capable of connecting to a plurality of terminals via RTP receiver terminals 256. See Kumar at Figs. 1 and 2A-2B, col. 3, ll. 40-48, col. 4, ll. 14-17, and col. 4, ll. 33-37. In addition, Bruno also fails to disclose a central controller or virtual multipoint control unit for interconnecting the multimedia terminals in a multimedia communication via at least two MCUs. Rather, Bruno discloses a conference control unit 32 connected to a single MCU 36 (Fig. 2-4). Bruno states that the conference control unit 32 can be connected to a plurality of MCUs, but Bruno explicitly discloses that the conference control unit 32 will reserve the necessary conference ports on only one MCU of the connected plurality of MCUs to conduct a conference. See Bruno at col. 5, ll. 56-64 ("...the conference control unit maintains a current or running inventory of all available MCU ports on the plurality of connected MCUs and will, likewise, reserve the necessary conference ports on one such MCU of the connected plurality." (emphasis added)).

Therefore, even if it were appropriate to combine Kumar in view of Bruno, which Applicant does not concede, the combination of these references do not teach or suggest all of the limitations of Applicant's independent claims 1 and 13. For at least these reasons, Applicant believes that claims 1 and 13 and those depending therefrom are in proper form for allowance and respectfully request that the Examiner indicate the allowance of these claims in the next paper from the Office.

The amendment to claims 1 and 13 are supported by the originally filed disclosure and do not add new matter. For example, the amendments to claims 1 and 13 are at least supported by page 15, line 5 to page 17, line 11 of the originally filed specification. The amendments to claims 4-8 and 23 are purely cosmetic. New claim 58 has been added to depend from claim 13 and is at least supported by originally filed claim 24.

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D. Allowable Subject Matter

Claims 9 and 24 stand objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicants have rewritten claim 9 in independent form so that claim 9 essentially reflects all of the limitations of base claim 1 and intervening claim 8. Therefore, Applicant believes that claim 9 is allowable. New claims 49-57 have been added to depend from claim 9 and are fully supported by originally filed disclosure. For example, new claims 49-57 are at least supported by originally filed claims 2, 3, 4, 5, 6, 7, 10, 11, 12, and 24, respectively.

Applicants have also rewritten claim 24 in independent form to include all of the limitations of base claim 13. Therefore, Applicant believes that claim 24 is also allowable. New claims 59-64 have been added to depend from claim 24 and are fully supported by originally filed disclosure. For example, new claims 59-64 are at least supported by originally filed claims 14-16, 17, 18-20, 21, 22, and 23, respectively.

E. Comments on Statement of Reasons for Allowance

Applicant appreciates the Examiner's allowance of claims 9 and 24 if rewritten in independent form. Applicant does not disagree with the Examiner's characterization of what the prior art discloses, and Applicant agrees that the prior art does not disclose or suggest the inventions Applicant has claimed. However, Applicant wishes to point out that the Examiner has not necessarily correctly characterized the scope of all of Applicant's allowed claims. Therefore, the Examiner's statements should not be interpreted as indicative of the scope of the Applicant's claims. Instead, each claim must be interpreted pursuant to its specific language.

F. Additional Claim Fees and One Month Extension

This amendment has made the total number of independent claims in the application equal to four and the total number of claims equal to forty. Because the total number of independent claims previously paid for was four and the total number of claims previously paid

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for was forty-eight, Applicant believes no additional claim fees are due for this amendment. The undersigned representative does request a ONE-MONTH EXTENSION of time for filing this response and files a petition for the extension in a separate paper.

Should any fees be due for any reason, however, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required to Deposit Account No. 501922/119-0071US.

To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

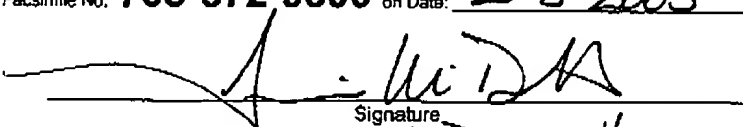
Respectfully submitted,

Date:

Feb. 3, 2005 

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PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number 09/708,898			
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A				
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A		N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	48	minus 20 = 28	X	=	X	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4	minus 3 = 1	X	=	X	=			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			N/A		N/A				
			TOTAL		TOTAL				
<p>* If the difference in column 1 is less than zero, enter "0" in column 2.</p>									
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)		
Total (37 CFR 1.16(i))	* 24	Minus ** 48	= 0	X	=	X 50	=		
Independent (37 CFR 1.16(h))	* 2	Minus *** 4	= 0	X	=	X 200	=		
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				N/A		N/A			
				TOTAL ADD'L FEE		TOTAL ADD'L FEE	0.00		
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)		
Total (37 CFR 1.16(i))	* 40	Minus ** 48	= 0	X	=	X 50	=		
Independent (37 CFR 1.16(h))	* 4	Minus *** 4	= 0	X	=	X 200	=		
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				N/A		N/A			
				TOTAL ADD'L FEE		TOTAL ADD'L FEE	0.00		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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